

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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March 11, 2021

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
40 Centre Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Brian Smith et al.*, 20 CR 236

Dear Judge Failla:

With the consent of the government, I write to seek an extension of the date by which I must file a sentencing submission on behalf of my client, Brian Smith. Mr. Smith is scheduled to be sentenced on March 26, 2021. Under the Court's Individual Rules of Practice, my submission must be filed no later than two weeks before sentencing—tomorrow, March 12, 2021. However, I have yet to receive the Pre-Sentence Report and would like to review it before I file my submission. Accordingly, I ask that the Court permit my submission to be filed one week before sentencing on March 19, 2021.

Respectfully submitted,

/s/ JULIA GATTO

Julia L. Gatto
Assistant Federal Defender

cc: AUSA Christopher Clore (via ECF)

The Court understands that the parties' sentencing submissions are due on or by March 23, 2021. (See Minute Entry for January 25, 2021). Accordingly, Defendant's request for an extension to March 19, 2021 is denied as moot.

SO ORDERED.

Dated: March 12, 2021
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE